

November 10, 2022

The Honorable Judge Ronnie Abrams
United States District Court Southern District of New York
40 Foley Square, Room 2203 New York, NY 10007

The Honorable Judge Sarah L. Cave
United States District Court Southern District of New York
500 Pearl St., Courtroom 18A New York, NY 10007-1312

RE: Outstanding Discovery Deficiencies by Estate Auctions Inc.

- 1) Outstanding Production for the FULL Estate Auctions Inc. eBay confirmation of the alleged sale of the “1972 Original Oil Painting titled Man With Red Umbrella” which was misattributed as being signed Annamarie Trombetta.**
- 2) Plaintiff’s Request from Norb Novocin for Buyer’s Sales Receipt and the Form of Payment for the 1972 oil painting she purchased on eBay from Estate Auctions Inc. in 2012.**

To Honorable Judge Cave and The Honorable Judge Abrams,

Pro Se litigant, Annamarie Trombetta, brings to the Court attention the numerous times Plaintiff has requested the complete production of the eBay Estate Auctions Inc sales receipt confirming the alleged sale of the “1972 Original Oil Painting “Man With Red Umbrella” which was misattributed and listed as signed by New York artist, Annamarie Trombetta. To date, Estate Auctions Inc. and Defendants Norb and Marie Novocin have failed to produce the eBay sales receipt, in its entirety. Plaintiff informs the Court that the same request for the complete production of the eBay receipt from EAI was documented by the WorthPoint attorneys on September 21, 2022 during the Deposition of Norb Novocin. The EAI eBay sales receipt is WorthPoint’s Exhibit #4 and the call for production of this receipt was made on the day of the Novocins Depositions on September 21, 2022. It is November 10, 2022 and the document is still not produced. No explanation has been set forth by attorney Anderson Duff or EAI.

Plaintiff informs the Court that at the Meet and Confer on Friday October 28, 2022 Plaintiff brought the production of the full eBay receipt to Mr. Duff’s attention. On Saturday, October 29, 2022, Plaintiff sent attorney Anderson Duff an email to remind him to produce these documents by Monday October 31, 2022. **EXHIBIT #1 October 29, 2022 Plaintiff’s email to Mr.Duff for Full Production of eBay receipt.** Attached within my email to Mr. Duff, Plaintiff sent the actual Deposition pages from 74 through to page 79 in which attorney Jana Farmer identified Exhibit #4 to Norb Novocin (page 74) and Mr. Novocin saw and confirmed it was a truncated eBay receipt by Estate Auctions Inc. of the alleged sale on Dec. 1, 2012 of the “1972 Original Oil Painting titled Man With Red Umbrella”. Mr. Novocin’s confirmed the deficiency and affirmed that he would produce the full eBay receipt (page 77). In Mr. Novocin’s Deposition on page 74 thru page 79 the above facts are documented. Mr. Novocin also stated he “keeps all his ebay emails” (page 75). **EXHIBIT #2 Norb Novocin Deposition Page 74 thru to Page 79. EXHIBIT #3 NON confidential Incomplete email RE eBay Sale of 1972 Oil Painting.**

Plaintiff reminds the Court of the most recent documented response by attorney Anderson Duff to my request on the 28th and the 29th of October 2022 and also by WorthPoint’s attorneys, to produce in it’s entirety, the eBay Estate Auctions Inc. sales receipt for the “1972 Original Oil Painting titled Man With Red Umbrella”. This was noted on **October 31, 2022** in Plaintiff’s Letter in Doc. 306 — Plaintiff wrote to the Court :

On and around 1:30 pm attorney Mr. Duff responded regarding the Defendants’ Dec. 1 , 2012 email from Estate Auctions Inc. from eBay regarding the sale of the 1972 Original Oil Painting Man With Red Umbrella. Mr. Duff wrote :

“I will pass along a new copy of the single email referenced in your email below as soon as I receive it from my clients.” — statement by Estate Auctions Inc. attorney Anderson Duff.

Again, today is November 10, 2022 and the FULL production of the eBay Estate Auctions Inc. confirmation of the alleged sale of the “1972 Original Oil Painting titled Man With Red Umbrella” which was misattributed as being signed Annamarie Trombetta is still OUTSTANDING and NOT PRODUCED by Norb Novocin and or Estate Auctions Inc. To date, no explanation has been set forth by Mr. Duff for this lack of production of the eBay Dec. 1, 2012 receipt of sale for the 1972 oil painting.

Plaintiff has written and noted to the Court about several deficiencies and unanswered Interrogatories and Production of Documents in Discovery that Plaintiff sent to EAI and Mr. Duff in February, 2022. Moreover, in the summer months, Plaintiff wrote to the Court on August 8, 2022 , filed in **Doc. 257**, EAI’s late failure to produce Discovery responses. Again in **Doc. 259** filed on August 11, 2022, in **Doc. 261** filed on August 15, 2022 , in **Doc. 266** filed on August 22, 2022 which was Plaintiff request for production of deficiencies from both Defendants (WorthPoint and EAI) and once again on September 16, 2022 in **Doc. 278** Plaintiff noted to the Court the failures by EAI to produce discovery responses.

In Doc. 265, filed on August 19, 2022, attorney Anderson Duff filed a one page letter stating that he has produced all discovery Also in Doc. 282, filed on September 22, 2022, attorney Anderson Duff submitted a one page letter to the Court and failed to send any copy of his letter to the Plaintiff , despite my requests to Mr. Duff. **EXHIBIT #4 Plaintiff’s request of Doc. 282 Mr. Duff’s September 22, 2022 letter to the Court.**

Plaintiff ’s Interrogatories and Production of Documents were in pursuit of EAI ’s deficient eBay Dec. 1, 2012 sale’s receipt for the 1972 oil painting plus all and any written forms of payment (checks-credit card- Pay Pal) or additional eBay receipts from the buyer or from EAI to the buyer. Additionally, Plaintiff was requesting photos of the front signature “A.Trombetta and the location of the red pencil signature in the back of the 1972 canvas. Estate Auctions Inc. failure to produce my requested information led to Plaintiff pursuing the eBay buyer of the 1972 oil painting. Plaintiff ’s efforts and outreach with the use of subpoenas to the buyer caused by the direct FAILURE of attorney Anderson Duff to produce my requests in writing has still failed to produce any and all written proof of payment for Man With Red Umbrella. I did receive from the buyer, an additional photo of the front signature “A. Trombetta” . I also found out where the signature in red pencil was located, on top of the stretcher bar. The alleged buyer , however, responded that she did NOT have any written proof of payment in a recent email to Plaintiff. **EXHIBIT #5 Email from Owner of “1972 Original Oil Painting titled Man With Red Umbrella”.**

ESTATE AUCTIONS INC. DEFENDANTS DEFICIENCY IN PRODUCTION OF DOCUMENTS

- 1)First, in light of the outstanding FULL production of the eBay Estate Auctions Inc. of the alleged sale of the “1972 Original Oil Painting titled Man With Red Umbrella” misattributed as being signed Annamarie Trombetta, Plaintiff is requesting from the Court that attorney Anderson Duff produce requested these documents by Plaintiff and by the WorthPoint attorneys as noted in the Deposition of Norb Novocin on September 21, 2022—immediately.
- 2) Secondly, as duly documented on Page 75 of Mr. Novocin’s Deposition that he “ DOES NOT THROW E-MAILS AWAY”, Plaintiff is requesting the eBay emails from the buyer confirming the proof of payment between Estate Auctions Inc, and the buyer for the sales transaction of the 1972 oil painting—immediately.
- 3) Third, I am requesting the the form of payment and the written payment transaction whether it was Pay Pal, check, credit card, cash or any other means of payment between the buyer and the accepted seller, Norb Novocin—immediately.

At this stage of Discovery and litigation, the FAILURE to produce the ebay sales receipt and the mode of payment for the “ALLEGED” sale of the 1972 Original Oil Painting Man With Red Umbrella” is inexcusable and can be verifiably viewed, at this time, as willful concealment.

PLAINTIFF’S DOCKET 22 FILED ON APRIL 24, 2019 PLAINTIFF’S SETTLEMENT OFFER PROPOSAL AND REQUESTS FROM ESTATE AUCTIONS INC. NORB & MARIE NOVOCIN.

Plaintiff notes to the Court that THREE YEARS AGO, Plaintiff, in Docket 22, on April 24, 2019, filed a 13 page settlement proposal (with Exhibits) to Estate Auctions Inc and the Court. Plaintiff on page 10 and 11 out 13, requested several items from Estate Auctions Inc. that I asked in February 2022. Plaintiff, for a period of three full years has been requesting from EAI documents without a full resolution. Here it is at the end of Discovery, in 2022 and the production for the key evidence which is still the Dec. 1, 2012 eBay sales receipt and the form and proof of payment for the 1972 oil painting is still not produced.

Additionally, Plaintiff notes to the Court that on February 1, 2022, attorney Anderson Duff informed the Court that his clients Norb and Marie Novocin were held up in bankruptcy court due to the Plaintiff’s litigation. Upon hearing this Plaintiff agreed to writing a settlement letter before Discovery began. On February 15, 2022, Plaintiff submitted my first settlement letter. Both Defendants falsely stated that I never gave a monetary amount. Plaintiff had to submit a letter with my evidence to refute the false claim. Plaintiff was ordered to write a secondary letter and upon doing so both Defendants cancelled the settlement conference that Judge Cave had calendared.

Lastly, to reiterate, Plaintiff made a point of informing the Court during the summer months in the documents listed above in August 2022 and in September 2022 about the deficient Discovery responses by EAI. Through the buyer, I have been able to obtain some information but not all that is significant to prove that the sale occurred. As the Court can see now, Mr. Duff did not comply or produce these most quintessential documents regarding the alleged 1972 oil painting sale. This sale is what gave rise to the posting of this 1972 eBay sale records on the website of WorthPoint Corporation.

Plaintiff is once again requesting the Court to take note of the pertinent absence of evidence relevant to proving that Estate Auctions Inc. sold the 1972 oil painting. How and in what form the payment for the alleged sale was transacted still needs to be produced. These two items of evidence are well overdue and need to be immediately produced by the Defendants. Failure to immediately produce these two items should constitute Default Judgement in favor of the Plaintiff.

November 10, 2022

Respectfully Submitted,

Annamarie Trombetta
175 East 96th Street (12 R)
New York, New York 10128

————— Electronic Signature ———

/s/ Annamarie Trombetta November 10, 2022

Annamarie Trombetta